

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**October 15, 2013**

**7:30 p.m.**

Present: Ron Van Kirk  
Colleen Gallagher  
Katie Gallagher  
Tom Murphy  
Kathy Pucci  
Tony DeMarco

Absent: Kevin Tanski

Pledge of Allegiance.

A moment of silence was observed for the passing of Spc. Angel Lopez, killed in Afghanistan. President Pucci said she contacted his mother and wife and passed on condolences. She also contacted the Governor's office on the lowering of the flag protocol.

Pres. Pucci gave a report on the Special mtg. held Oct. 7<sup>th</sup> at 7 p.m. Three items were on the agenda. First: Confirmation of the Finance Director, where the Council interviewed Mr. Enovitch. A vote was not taken that evening, because information was requested but not received; the Mayor gave the information the next day, and Council will move forward this evening. Second: Relating to the shade/treelawn trees in the city, Dir. Verba is compiling further information, and conducting a meeting with an arborist. We're trying to make sure we select appropriate sized trees, and our policies moving forward cover it. Final: Relating to staffing in the Building Dept. The Comm. requested Council consider authorizing filling the position of a full-time assistant, with the part-time inspector, who is no longer here.

#### **APPROVAL OF MINUTES:**

Councilman DeMarco asked for a correction in his comments of a 'We should *not* have an elected...' **MOTION** by DeMarco, second by Van Kirk to approve the minutes from September 23, 2013 as amended. **VOTE RESULTED:** Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. **(APPROVED AS AMENDED)**

Pres. Pucci said Clerk Banish received an e-mail from Jerry Brown, who asked for a correction in the Sept. 9<sup>th</sup> minutes to reflect that he watched the School Bd. meeting, not attended it. With no objection, that correction will be made.

#### **PUBLIC SESSION:**

*Don Stopa* of 4190 Ivywood Dr. said he was on Bd. of Elections site, and it seems no one is sure how much the school levy will cost. The ballot language says 78 cents per \$100 valuation, which is \$780, and that's not what we're paying. Why muddy water on the ballot – just leave it as it was, no increase in taxes. Also was encouraged to see the people for Council, but was shocked and disappointed to see a Council person just elected two years ago to a four year office, and asked why they would do that. The terms of Council are staggered to prevent a whole Council turnover. He's assuming this is legal, as they're an attorney, and their mother is clerk of courts; but is it ethical? An ordinance of bylaws or Charter should ensure this can never happen again. If she is elected she has to resign her current seat at the first of the year so she can be sworn in. The remaining two years will be filled by the six members of Council, and the voters have no voice in this.

*Tom Adamski*, 9625 Melody Ln. thanked people for their concern over his successful surgery two weeks ago. Councilman Murphy's stated at the last meeting the renewal levy costs \$780 on \$100,000 home, and told him he is wrong. He could have called the Bd. of Elections for the answer, but he did not. Elected officials have an obligation to study issues of importance; this school levy is very important. Valuation means assessed valuation. Example, \$100,000 valuation is reduced by 35% which drops the cost, then Homestead

rollback at 12.5%. So the cost for the renewal levy for \$100,000 is \$238.91. At the last meeting he and Mr. Bloam were advocates for the levy. Mr. Brown voiced an objection, which is his right. A few years ago a bond issue was presented for 9.2 mills, 4.2 for the bond issue, and 5.0 mills is for continuing operating. Reminded that there are 7,358 registered voters, and in the August election only 1,215 voted, which is 16.51%. Eleven people voted against it. Encouraged all residents to pass the renewal levy.

*Marissa Mastri* of 4712 Forest Edge Dr. said she's a student at Brooklyn High School. Plays basketball, participates in band, and volunteers in Key Club, some of activities in high school that allow her to grow socially, emotionally and mentally. The music program has taught her independence and teamwork, met a lot of friends. Same with basketball. The extracurriculars have been applicable to every part of her high school career, which have made her an overall better person; because she has grown up in and been part of a city and school district that offers these activities. Not having the options at Brooklyn schools would hinder her future with these additional skills.

*Shaelyn Bauchens* of 8512 Saybrook Dr. said she's a student at Brooklyn High School. Yes votes means more money for the schools, no votes means less money for the schools. These levies affect the lives of students. Taking money away takes away classes and shortens school days; but also takes away a lifetime experience, that no student deserves to lose. If there's no money there's no sports, no clubs and no school functions. All these things give students incentives to come to school, look forward to, and be a part of. Citizens have a right to vote for what they believe in, but to sit back and look at outcomes of a failing levy and what it will do to students, it could change someone's mind. The lives of many students are in voters hands. Asked for support of the levy.

*Cynthia Walker*, Brooklyn Schools Superintendent for six years, administrative staff for nine years, thanked Mayor and Mrs. Balbier, and City Councilmembers who support the renewal. She does what she does because of students like the two who just spoke about what their school means to them. There has been much information, and she will sit down and talk with anybody. This renewal levy, which was presented five years ago, and helped the schools, is up for renewal, which saddens her that she has to ask Council and residents for this needed money. They've been good stewards of the money, and have not added staff. Anyone was added through retirements and resignations. Quality schools make for a quality community, and she believes Brooklyn is a quality community. When people move to a community they always ask about schools. She is asking the community to support the levy, as provided five years ago; and to take it away would make them make changes to what is provided to our children. The per pupil expenditures is kept at the third lowest in the county, while making improvements in the school report card. While the report card is not where they want it to be, great strides have been made in the last few years in the amount of achievement the students have had. Millions of dollars in grants have supplemented and supported so the children have opportunities for things like Chinese, the AVID program, universal pre-kindergarten, Safe Routes to School, etc. She's asking the community and Council to support what they have done as good stewards. Every time they supported a tax abatement, or supported a new business that came in with employment giving the city income tax. This is not new money, nor asking for an increase. It's being able to have the budget remain at the level it has been. She can be reached in her office or by e-mail and will sit with anyone.

*Jennifer O'Banion* of 4075 West Blvd., current vice pres. of the School Board, encourages all residents to support the schools Nov. 5<sup>th</sup>, and vote yes on Issue 78 and keep the schools strong. It's a renewal levy, no new taxes. She's a proud parent of a Middle School student, and proud graduate of Class of 1992 Brooklyn High School. Agreed with Shaelyn that the things that made her (O'Banion) a great person, made Shaelyn's Dad a great person, Scott Claussen a great person, Tony DeMarco a great person, and every other person and graduate of Brooklyn High School. Will always be 'Canes and will fight for our kids and our community; as they deserve every opportunity they can be given. But they have no say so, they can't vote. Asked for votes on their behalf. They need the renewal, because cuts will impact every single one of them. Vote yes on Issue 78.

*Diane Makela* of 4444 Rodoan Rd. said the Brooklyn Trinity United Church of Christ, 8720 Memphis, is holding a pasta dinner on Sat., Oct. 19<sup>th</sup> from 5-7; cost is \$7 adults, \$3.50 for seven to 12 yrs, free for six and under. There will be pasta, meatballs, salad, rolls, dessert and beverage. She also said the school levy is vital for our community to have an excellent school district. She is a Brooklyn graduate, and is thankful for the community that gave her the best education. Give our kids the same education, and vote yes for the levy.

Also thanked the Brooklyn bicycle police who over the summer apprehended two suspects that tried to steal her son's bike at Ridge Park Square.

*Marti Ferian*, treasurer of Brooklyn Schools, said the ballot language has not changed. It's the same language such as the Port Authority and Metro Parks. Thanked Mr. Adamski for his clarification, that the ballot language is saying the value, not assessed value. It's \$238/year, or \$19.91/month. It's standard ballot language. He took an example of 2008-2012, and there were 5209 building permits in the city, with the total value of those was \$57 million, which is about \$10 million of assessed valuation. He's not sure of the amount of abatements offered; the max is 75% for 12 years under CRA. But he used 55% abated, and using that time period, for 2013 the school district would have lost \$219,000. Has been in the district for 20 years, and been an advocate for abatements; but is appalled, and feels betrayed, that the schools have supported for the last 20 years tax abatements, and some Council people aren't reciprocating that. An example that Key Bank has been abated for years, two buildings, \$100,000 each that they lose. The school district gets it and understands. If they have to cut \$2.25 million from the budget, that's 40-50 jobs. It will be \$1.2 million in January, \$1.2 million in July, plus unemployment on those people. That's teaching, administrative positions. Abatements are given to retain positions, jobs, city income; why not fight for 40-50 jobs that the schools might have to lay off people? He's appalled City Council isn't fighting for those positions. Sheetz was abated. Arrow was abated. What about the 40-50 jobs maybe lost?

*Rick Cyngier* of 6211 Delora, current School Bd. member, said there will be a renewal levy parade Wed., Oct. 30<sup>th</sup> at 6:15, marching with the band to the stadium, with a rally and refreshments. Residents, Council and the Mayor are invited to march and attend. Leashed pets are welcome, with prizes for the best dressed. Prizes for best dressed student will also be presented, for costume or spirit wear. Asked for support of the levy on Nov. 5<sup>th</sup>.

*Jerry Brown* of 4790 Elizabeth Ln., said that Supt. Walker said on the Sept. 23<sup>rd</sup> Let's Talk Brooklyn, said that when the bond issue and operating levy passed in May, she and Mr. Ferian told the community the previous levies would have to be passed, the renewals that had been on the ballot. He said this was said after, not before the new permanent levy passed. Back when the previous bond issue failed (2011) we were told a revised version would save taxpayers money, but in May it went back to campus plan, taxing the voters the maximum allowed, tying it to a permanent levy. He also quoted Pres. Pucci from Sept. 23<sup>rd</sup> Council meeting saying she attended meetings and presentations, that the Board was clear and up front that everything was based upon the assumption that all upcoming renewals pass. He thinks this shows the Board gambled on the passage of the renewal levy, and items have been put at risk and in jeopardy, and are saying the quality of education suffer, property values go down, and district taken over. He considers it irresponsible, unconscionable, and they don't really need the money for the renewal levy. Ask yourself many questions on Nov. 5<sup>th</sup>. The obligation they created shouldn't fall on the voters, or made to feel it does. He also asked why Supt. Walker or Mr. Ferian did not give their addresses when they spoke.

*Todd Hopkins*, of 642 Redstone Circle, Brunswick, is the computer technology coordinator and Asst. Treasurer with Brooklyn City School District. Said he's a graduate of Brooklyn High School, and lived in Brooklyn for over 20 years, still has a vested interest with his parents living here. Been with the District for 12 years, eight years in Treasurer's office. Told Mr. Brown in those years he's never seen him come to speak with the Superintendent or Treasurer, or attend a School Bd. meeting to address any of his concerns. Has attended Board meetings, and numerous times heard Mr. Ferian refer to the renewal levies and the upcoming renewal levy cycles. Apologizes for the political structure in the State of Ohio and how school districts are funded. Schools are currently funded under the idea of property tax, and that's the only way of funding. So as values drop, the revenue for the district declines. Over 85% of their income comes from the local level. We need the money to provide these services. As to the ballot issue, this is a renewal levy, and by definition from the State of Ohio and Board of Elections, this cannot increase the amount of money that's collected on the renewal levy. It's not a replacement levy, which would do that. This is a renewal, what you were paying this year, assuming all things constant, and will stay the same for next year. He thinks the ballot language could be written in a much more understandable way, but this is the structure we live in, and the other entities use the same ballot language. Told Mr. Murphy he'd love to say the houses in Brooklyn have an assessed value of \$100,000 but that's the market value; the assessed value is 35% and the Homestead rollback. And the changes in the state law would have you lose the Homestead rollback on the levy for new money passed after November. That would then be passed onto the local homeowner, which is 12.5% that the state is picking up the tab for. He hopes everyone would support the school levy. He'd like to see,

instead of 'Welcome to Brooklyn, Home of the seatbelt law' sign, that it would say 'Welcome to Brooklyn, Home of the Hurricanes.' "

(Pres. Pucci said she has a note that Mr. Adamski omitted a comment, that we don't have a rule that prohibits someone addressing a second time. She asks that he be brief.)

*Tom Adamski* had a last comment for people to digest the importance. Pres. Pucci stated, and is correct, about the rider the Governor put in the Budget that refers to the Homestead Act of 12.5%. If the levy fails the 12.5% Homestead is lost and taxes increase. He encourages to pass the levy.

#### **REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Councilwoman Pucci): The Committee met earlier and recommended approval of Res. 2013-8, a request for the advance of the proceeds of the 2013 tax levies.

Domestic Violence Commission (Pres. Pucci for Councilwoman C. Gallagher): The next mtg. of the Commission will be held Wed., Oct. 16<sup>th</sup> at 7 p.m. in the Comm-Sr. Center.

Planning Commission (Councilwoman K. Gallagher): There was a meeting Oct. 3<sup>rd</sup> and passed a request from Excel Sign Group to install wall mounted business identification sign for Arhaus Furniture at 7440 Brookpark Rd.

#### **REPORTS OF COUNCIL:**

**Ron Van Kirk:** Thanked everyone for speaking. Reiterated that it's the residents who decide the school levies, not Council people or School Bd. members. Each voter gets one vote for anything that happens, so for every election the resident needs to do their own research, and decide if it's the best thing for the City of Brooklyn. Please show up at the polls; a 16% turnout for an election is not good. He strongly encourages residents to use their right as Americans to vote, no matter who or how they vote. Councilwoman C.Gallagher asked that he read that the Democratic Club will host a candidate night on Friday, Oct. 18<sup>th</sup> at 7 p.m. at the Senior Center.

**Colleen Gallagher:** (Councilman Van Kirk relayed her information above, due to her being ill.)

**Katie Gallagher:** Said the Council floor is an inappropriate place and time to discuss issues related to City Council candidates and their campaigns. She encourages people to speak with her if they have any questions, or call her at 216-469-2561. Told Chief Mielke she's had some residents complain about speeding on Idlewood and Southwood, and asked for special attention to the area.

**Tom Murphy:** Thanked those that spoke. Expressed condolences to the Lopez family. Replied to Mr. Adamski, reminding him that he said, in the interest of fairness, he read the issue as 78 cents per \$100 value, and didn't think it could be right, and he would check. He wanted to clear that up. Also said unemployed, under employed, and those recovering from the last few years, and those on fixed incomes, need a break. He remains opposed to the renewal.

**Tony DeMarco:** He has been a supporter of the levy the whole time. Mr. Brown sounds like he's very informed,; but it's been very clear since the beginning that the renewal levy was coming, and not hidden by anyone on the School Bd., or superintendent, etc., so he must not have been paying attention to what's happening at the schools. Again, he hopes those that have voted already supported the schools; and those that have not voted yet, seriously consider this levy. It's good for the community and great for the kids.

**Kathy Pucci:** Thanked all who spoke. Recognizes the right to opinions. Encourages people to get questions they have answered, by the appropriate people. For the levy, that would be the superintendent, treasurer, or School Bd. member. She is 100% in support of the levy – for a strong school system, to have a strong community. Repeated that the 12.5% of property taxes currently being paid by the State of Ohio, if this levy fails and a new one passes, will have to be paid by property owners because it would be considered

new money. She thinks the levy is in the best interest of the community as a whole. Encourages people to get questions answered, and to consider supporting the renewal.

Councilman Murphy said he did look into it, and the new levy 78 cents/\$100 per valuation is \$780 a year. Assessed value is going to be \$273 a year. Homestead rollback 12.5%, \$238.88 annually. Monthly cost of the levy for \$100,000 home is 19.91. He said he didn't think it was true, and that he would look into it, and he did.

#### **MAYOR'S REPORT:**

**Mayor Balbier:** The Perk Co., doing the construction on Ridge Rd., asked if they could close Ridge Rd. from 5 a.m. to 5 p.m. on Friday, November 1<sup>st</sup>, and Monday, November 4<sup>th</sup> so they can pave. The project is not scheduled to be done for three years (2016). They're going to do work through the winter, and might get it done a year early, which would be good. A CodeRED will be sent out and advertise so people will know. Ridge will be closed from Memphis to the school driveway. Sheetz is scheduled to open November 7<sup>th</sup>. He and Dir. Verba took a tour of the Waste Management Plant in Akron, which is completely automated, doing over 9,000 tons of recycling per month. Last month the city gave a grant to Arrow International, voted 6-1 by Council, for four years, increasing by 25 jobs over three years. Last week Mr. Gallagher (Arrow) called and thanked the city for their help, especially Fran; and said they've now taken over their biggest competitor from Kansas City, and will transfer half of the plant to Brooklyn and the other half to Seattle. The addition is needed. So they are adding the 25 jobs in the next 4-6 weeks, not 3-4 years; and after the first of the year they will double it. He feels it was a very good investment giving them this grant. Work will start on No. Amber on Oct. 21<sup>st</sup>. Volunteers are needed for a fall tree planting with the Friends of Big Creek on Nov. 9<sup>th</sup>. Trees will be planted in the lower park, meet behind City Hall. Tonight the Council will vote on the Finance Director. His recommendation is Dan Enovitch. He's perfect for the job, recognized as an expert in municipal and government finance; is a lifelong resident of Brooklyn, even served two terms as a Brooklyn Councilman. He hopes Council confirms his appointment and doesn't let him slip away. As Pres. Pucci mentioned, the Governor's ordered the flag for half-staff for Angel Lopez, whose mother lives on Rodoan.

#### **DIRECTORS' REPORTS:**

Mgr. McGinty: The Rec Dept. will have Frightening Friday Night Hallow-Scream Skate Friday, Oct. 25<sup>th</sup> during open skate from 8-9:15. It's free to Brooklyn resident ID holders wearing a costume and donating a Thanksgiving related canned good for the City of Brooklyn Helping Hands Thanksgiving Basket. Nonresidents will be admitted for resident rates (\$1) if they wear a costume and donate a canned good also. The Dept. will be hosting a junior Jazzercise Halloween camp on Sunday, Oct. 27<sup>th</sup> from 1:30-3 p.m. Call Marissa at 216-408-2969 for cost information. This class will feature music of today, snacks, games, and healthy ways to eat and exercise. It's for girls and boys, ages K-6<sup>th</sup> grade.

Chief Zemek: Over the past couple weeks they've been participating with Parma and Parma Hts. Fire on a mutual training situation at Macy's (ParmaTown). Dir. Claussen helped by getting the contract language agreed upon by the participating cities and the property owners there. It was vital training in a huge, wide area search, with forcible entry training, busting down and cutting through bars, breaking through block walls, hose line advancement, etc. They were lucky to get this opportunity, which worked out well.

Service Dir. Verba: Repeated that the tree planting will be Nov. 9<sup>th</sup>, and to contact Peter at 216-241-2414, ext. 307. The Cleveland Metroparks is part of America Recycles Day with an event Saturday, Nov. 9<sup>th</sup>, 10 a.m.-4 p.m. Bring recycling items such as newspapers, magazines, printer cartridges, cell phones, aluminum cans, election signs, cooking and dining items and silverware; and there will be on-site document shredding. Leaf collection will begin next week. The city will not accept grass cutting or leaves for trash collection, but in a brown paper bag or a rubbish container.

Pres. Pucci said she and her son did the tree planting in the park last year, and encouraged people to come, and bring gardening gloves. It's also a good community service opportunity for students.



Comm. Fitzgerald: Said the Zoning Bd. of Appeals will meet Thursday, Oct. 17<sup>th</sup> for a request from The Loving Cup Daycare at 4476 Ridge for a 45 foot side yard setback and a 38 foot rear yard setback variance.

**REQUESTS:**

Request for confirmation of the Finance Director. The Mayor's candidate is Dan Enovitch. **MOTION** by C.Gallagher, second by Van Kirk to confirm the appointment of Dan Enovitch as Finance Director. Pres. Pucci said she's known Mr. Enovitch since the 1980s, he was a well respected member of City Council, served on Bd. of Trustees of Parma Hospital, then served on the Civil Service Commission, where they've updated complicated rules unaltered since the 1950s. He's hard-working and committed to the city, and will give it his all and do a great job. Councilman Murphy said there was angst in the way this process was done. He's known Dan since 1978, considers him a friend, he's well qualified, but it was a disservice how this was done. **VOTE RESULTED:** *Confirm:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. **(CONFIRMED)**

**LEGISLATION:**

**Resolution 2013-8:** Requesting the County Fiscal Officer to advance taxes from the proceeds of the 2013 tax levies pursuant to the Ohio Revised Code Section 321.34. **MOTION** by Van Kirk, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. *Adopt:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. **(ADOPTED)**

**ORDINANCE 2013-62 (2<sup>nd</sup> Reading):** Repealing Chapter 551, Assault Weapons, of the Brooklyn Codified Ordinances. She asked if everyone had their questions answered from the last meeting and were prepared to pass by emergency. **MOTION** by Van Kirk, second by K.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. *Adopt:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. **(ADOPTED)**

Councilman Van Kirk explained that Chapter 551 has to do with assault weapons bans for the city. Since State law has changed, the city has to match with it, which is why this has to be repealed.

**ORDINANCE 2013-63:** Amending Section 3 of Ord. 1974-34, entitled, 'Establishing the Department of Recreation and creating various positions within said department.' This is a result of a change by the Civil Service Commission taking the Manager of the Rec Center position that was previously classified and tested, to now be considered unclassified. It changes the title to Parks and Recreation Manager, and makes it unclassified. **MOTION** by Van Kirk, second by Murphy to table this for further discussion. **VOTE RESULTED:** *Table:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. **(TABLED)**

Pres. Pucci clarified that this Ordinance deals with more than just the classified and unclassified, there are also reporting chain issues; so all questions need to be answered for it to be dealt with in the appropriate manner.

Mayor Balbier thanked Council for confirming Mr. Enovitch.

There being no further business, **MOTION** by Van Kirk, second by Murphy to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Murphy, Pucci, DeMarco. No: None. **(ADJOURNED)**

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Acting Asst. Clerk of Council

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President of Council